

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING)	
PHARMACY PRODUCTS)	
LIABILITY LITIGATION)	MDL No. 1:13-md-2419-FDS
)	
This Document Relates to:)	Judge Rya W. Zobel
)	
All Cases)	

**AMERIDOSE LLC'S MOTION FOR LEAVE TO REPLY TO THE TENNESSEE
CLINIC DEFENDANTS' JOINDER IN THE PSC'S MOTION TO PARTIALLY LIFT
THE DISCOVERY STAY**

The PSC filed a Motion to partially Lift the Discovery Stay against the Affiliated Defendants on October 28, 2013 (docket #534). Although the Tennessee Clinic Defendants were parties to these cases in October of 2013, they never filed a brief about the stay issue until they joined the PSC's request for relief on March 28, 2014 (docket # 1041). This is well beyond the time for submissions under any interpretation of the Federal Rules of Civil Procedure, and without seeking leave of the Court to file an untimely brief. Since the Affiliated Defendants filed their Brief in Opposition to the PSC's Motion timely on January 8, 2014 (docket # 757) no party has filed any additional brief on the subject of the stay.

The Tennessee Clinic Defendants make unwarranted and sweeping assertions with no support. For example, their statement that this MDL "cannot progress" unless they get certain discovery from affiliated defendants cannot go unchallenged. Although striking the Tennessee Defendants' out-of-rule Brief is certainly an available remedy, it would be inefficient to strike a brief which they will just seek leave to do retroactively. Therefore, Ameridose LLC seeks leave of Court to file a supplemental brief in opposition to the lifting of the discovery stay. This is a

very important issue given the agreed to settlement by the affiliated Defendants which is being finalized, and the tremendous cost if the stay is lifted and discovery is allowed to proceed.

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been filed with the Clerk of the Court on April 1, 2014 using the ECF system that sent notification of this filing to all ECF-registered counsel of record via e-mail generated by the Court's ECF system.

/s/ Matthew P. Moriarty

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